

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
BARTHEL CHEMICAL CONSTRUCTION CO.,)
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 480
ORDER ON MOTION

This matter, the appeal of a \$150.00 civil penalty for an alleged smoke emission violation of respondent's Regulation I, came before the Pollution Control Hearings Board (Walt Woodward, presiding officer, and Mary Ellen McCaffree) at a formal hearing in the Washington Commerce Building, Seattle, at 1:30 p.m., February 7, 1974.

Appellant was represented by its president, T. H. Van Ryck; respondent appeared through Keith D. McGoffin. Eugene E. Barker, Olympia court reporter, recorded the proceedings.

Respondent called attention to its letter of January 17, 1974, in

1 the docket in this matter, and reaffirmed that its participation in the
2 hearing was not a waiver of its claim of lack of jurisdiction.

3 Appellant moved to dismiss Notice of Violation No. 8449 and
4 Notice of Civil Penalty No. 1192 for the reason that the notices were
5 defective in naming the alleged violator.

6 Respondent moved to dismiss Notice of Civil Penalty No. 1192 for
7 the reason that the alleged violation was identified incorrectly.
8 Respondent said it would issue a new citation with correct identification.

9 Therefore, the Pollution Control Hearings Board issues this

10 ORDER

11 Notice of Civil Penalty No. 1192, the subject of this appeal, is
12 dismissed for lack of prosecution and the docket in this matter is
13 closed.

14 DONE at Lacey, Washington this 25th day of February, 1974.

15 POLLUTION CONTROL HEARINGS BOARD

16 Walt Woodward
17 WALT WOODWARD, Chairman

18 Mary Ellen McCaffree
19 MARY ELLEN McCAFFREE, Member